

**LAND SURVEYORS SECTION MEETING  
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,  
PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS  
MINUTES**

**FEBRUARY 18, 2004**

**PRESENT:** Rick Van Goethem, James Rusch and Robert Hoskins (via telephone)

**EXCUSED:** Mathew J. Janiak

**STAFF PRESENT:** Jerry Lowrie, Bureau Director, Pat Schenck, Program Assistant and  
Division of Enforcement Staff

**GUEST:** Francis Thousand, Wisconsin Society of Land Surveyors

**CALL TO ORDER**

Rick Van Goethem, Chair, called the meeting to order at 11:07 a.m. A quorum of 3 members was present.

**AGENDA**

**Addition to Agenda:**

- Item 9 d. Scope Statement, Changing the Name of Examination from the Principles and Practice Examination to the State Jurisdictional Examination A-E 6.

**MOTION:** Robert Hoskins moved, seconded by James Rusch, to approve the agenda with amendment. Motion carried unanimously.

**ELECTION OF OFFICERS FOR 2004.**

**MOTION:** Robert Hoskins moved, seconded by James Rusch, to appoint Rick Van Goethem as Chair, Jim Rusch as Vice Chair, and Robert Hoskins as Secretary. Motion carried unanimously.

**APPOINT BOARD REPRESENTATIVES FOR SCREENING PANEL**

Rick Van Goethem, Chair, called for Board members to serve as screening panel members. The Screening Panel will remain the same, Jim Rusch and Robert Hoskins.

**APPROVAL OF MINUTES (NOVEMBER 13, 2003)**

**MOTION:** Robert Hoskins moved, seconded by James Rusch, to approve the November 13, 2003 minutes as written. Motion carried unanimously.

**ADMINISTRATIVE REPORT  
JERRY LOWRIE, BUREAU DIRECTOR  
SECTION ROSTER**

Change of address and phone number for James Rusch to 139 Airport Road, New Richmond WI 54017 (715) 246-9571.

**2004 SECTION MEETING DATES**

A-E Joint Board Rules Committee April 14th and A-E Joint Board on April 15, 2004. The next regular scheduled meeting is August 25, 2004. Applications for Land Surveyors can be given to Board members to approve at the Joint Board on April 15<sup>th</sup>, so applicants will not have to wait until the next Section's meeting on August 25, 2004.

**SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND  
ADMINISTRATIVE RULES AND PRESS RELEASES**

Noted.

**TRAVEL**

**2004 REGISTRATION BOARDS FORUM, NASHVILLE, TN. APRIL 16, 2004**

The Bureau Director will not attend the 2004 Registration Boards Forum in Nashville TN on April 16, 2004. The Section members stressed the importance of the Bureau Director attending the networking meetings with the administrators from other states.

**LEGISLATIVE ISSUES**

**UPDATE, JOINT BOARD LEGISLATIVE PROPOSAL, CREATE CONTINUING  
EDUCATION 443.15 LRB 1320**

Mr. Lowrie reported that the continuing education 443.15 LRB 1320 is currently waiting for a sponsor. Mr. Lowrie will contact the other Section members by E-Mail to encourage them to contact a representative to sponsor this Bill.

**ADMINISTRATIVE RULES**

**SCOPE STATEMENT TO REPEAL AE 6.05(9) – EXAMINATION AND REVIEW  
PROCESS**

The Section discussed removal of paragraph (9) "examination and review process" from AE 6.05(9). The Section made the following motion at the November 13, 2003 meeting:

**MOTION:** James Rusch moved, seconded by Robert Hoskins, to request that staff draft a scope statement to repeal AE 6.05(9) on Examination and Review procedure to eliminate the two paragraphs from the Administrative Rules. Motion carried unanimously.

**CORRECTED SCOPE STATEMENT AND STATUS REPORT ON TEMPORARY  
PERMITS AMENDMENT OF A-E 6.07 AND – UPDATE**

Noted.

**CHEATING ON EXAMS RL 4 - JERRY LOWRIE**

Jerry Lowrie reported on the Department's universal RL 4 cheating rule. The new rule will create consistency and efficiency regarding discipline. Mr. Lowrie asked for Board member's comments regarding the Department's new cheating rule. Boards may use their discretion regarding discipline.

**SCOPE STATEMENT, CHANGING THE NAME OF EXAMINATION FROM THE  
PRINCIPLES AND PRACTICE EXAMINATION TO THE STATE JURISDICTIONAL  
EXAMINATION A-E 6.**

Colleen Baird will draft new language after the scope statement has been published.

**MOTION:** James Rusch moved, seconded by Robert Hoskins, to approve the scope statement changing the name of examination from the principles and practice examination to the state jurisdictional examination A-E 6. Motion carried unanimously.

**UNAUTHORIZED PRACTICE OF LAW**

Jerry Lowrie reported that the unauthorized practice of law might have an impact on how professions within our Department can conduct business. Some of the practices may constitute the unauthorized practice of law because they may be giving legal advice.

Mr. Lowrie summarized the background history on what the State Bar is trying to accomplish before the Supreme Court. The State Bar wants a new definition of law and to define what is not the practice of law. The Supreme Court recommended appointing a committee to promulgate rules and establish a regulatory system related to the unauthorized practice of law.

**SECTION MEMBER ACTIVITY**

None.

**NCEES CENTRAL ZONE CONFERENCE IN WI IN 2006, JIM RUSCH**

James Rusch reported that the Wisconsin is hosting the 2006 NCEES Central Zone Conference in the Madison, Milwaukee, or Lake Superior area. This conference is planned one year in advance and a city must be named. Mr. Rusch will work with the National Council in planning this meeting. Jim Rusch will gather goody bags from Wisconsin. Department staff will not have to participate in the planning or staffing of this conference.

Mr. Rusch noted that if the National NCEES meeting and the Central Zone Conference were combined NCEES would take care of all expenses and planning

Jerry Lowrie will be attending the 2004 NCEES Central Zone meeting at the Westin in St. Louis MO on May 20-22, 2004. The Board stressed the importance of the Bureau Director attending the Zone and the National meetings. The 83rd Annual Meeting for NCEES is August 11-14, 2004 at the Renaissance, Cleveland, OH.

### **CREDENTIALING WORK EXPERIENCE FORM # 931 - REVISED.**

The Section reviewed the revised "Work Experience Form (#931) to help the Section members review applications.

**MOTION:** James Rusch moved, seconded by Robert Hoskins, to approve the revised "Work Experience Form" (#931) showing the number of hours. Motion carried unanimously.

### **EXAMINATION ISSUES**

Darwin Tichenor reported that in August 27, 2003, NCEES announced that beginning with the April 2004 exam administration, certain calculators will be strictly prohibited from exam sites. This is not a *new* policy. For many years, NCEES policy has prohibited calculators that communicate or that may compromise the security of the examination. Beginning with the April 2004 exam administration, *NCEES will strictly enforce the policy.*

Calculators with communication or IR port or cable and/or text-editing capabilities will be banned from all NCEES exam sites. Of great concern is the ability to type in text, store it in memory, and then communicate via wireless or cable connections to another calculator, personal computer, printer, or other electronic device. If a calculator model can be made to communicate through the use of modules, software, and/or other add-on devices, then this calculator is deemed to possess communication capabilities and will be prohibited.

There are two issues related to security:

1. Calculators being used to communicate with each other during the actual exam
2. Calculators being used to store text that is then taken from the room.

Mr. Tichenor reported on the problems involved in evaluating which calculators are acceptable due to the volume of calculators available, it is rather complicated to tell how sophisticated a calculator is. Mr. Tichenor distributed a list of NCEES approved and prohibited calculators. A list of approved and prohibited calculators can be found on NCEES website <http://www.ncees.org/exams/calculators/#policy>

The Board discussed the following options:

1. Send the latest up-to date list from NCEES of acceptable and prohibited calculators to candidates with the admission tickets for the examination.
2. Request that candidates sign a statement on the type of calculator they are using at the examination site if the calculator they are bringing is not on the acceptable list.
3. Publish a list of acceptable and prohibited calculators on the Departments web site.
4. Follow the list of approved calculators and not approve other calculators at the examination site.
5. Provide approved calculators at the examination site.

**MOTION:** Rick Van Goethem moved, seconded by James Rusch, to adopt NCEES policy on approved and prohibited list of calculators and to ask applicants to sign a calculator statement if they have a calculator that is not on the approved list and if it does not have the features outlined in the calculator statement. The candidates score may be invalidated and other disciplinary action may presume if a calculator is in violation. Motion carried unanimously.

### **MISCELLANEOUS CORRESPONDENCE/INFORMATION**

None.

### **NEW BUSINESS**

Rick Van Goethem, Chair, reported that North East Technical College formed an articulation agreement with the University of Wisconsin, Green Bay regarding a four-year program. Mr. Van Goethem would like this agreement reviewed by the Section to see if it meets the four-year degree requirement. If approved by the Section this four-year program would be a board-approved program for registration with a BS degree. The North West Technical College Associate Degrees will be transferable into UW Green Bay's four-year program. Mr. Van Goethem would like this on the August agenda if this agreement is signed prior to the next scheduled meeting.

Mr. Van Goethem discussed A-E 6.04 "Educational requirements for a land surveyor" and feels that the rule does not define what a related field is. Mr. Van Goethem suggested adding a related field requirement specifying credits in math and science.

Michigan requires that candidates have so many credits in certain areas for their BS program to be a legitimate degree program and publishes a chart with a list of related courses in their administrative code, and all we say is *related field*. It is difficult to determine what courses are acceptable when a land surveyor has a degree in geography because we are not looking at their course work that support surveying. Our Land Surveyors rules need some definition of *related fields* to support courses because they are wide-open with grey areas.

Accredited is also mentioned but not defined specifically. Leaving *related fields* as it is, allows the Section the discretion of accepting or denying courses but it is never consistent.

The Section would like to discuss the following issues at the August 25, 2004 meeting.

1. Adding additional qualifying courses to keep up to the times.
2. Addition of math, science, and physics credits to the degree.
3. New language to define the degree.
4. What is a related degree to land surveying, related courses?
5. Define a related field in the administrative code.
6. Include a chart in the administrative code.

## **PRESENTATION OF PROPOSED STIPULATION BY DIVISION OF ENFORCEMENT**

Kelly Cochrane presented the proposed stipulation in the matter concerning Mr. Phillip G. Epping

## **CLOSED SESSION**

**MOTION:** Robert Hoskins moved, seconded by James Rusch, to convene to Closed Session to deliberate on cases involving hearings (s. 19.85 (11) (a), Stats.); to consider licensure or discipline (s. 19.85(1) (b), Stats. to consider individual histories or disciplinary data (s. 19.85(1) (f), Stats.); and to confer with legal counsel (s. 19.85(1) (g), Stats. Motion carried by roll call vote: Rick Van Goethem-yes, Robert Hoskins-yes, James Rusch-yes.

Open Session recessed at 11:44 a.m.

## **REVIEW OF APRIL'S JURISDICTIONAL EXAM RESULTS**

No review

## **RECONVENE TO OPEN SESSION**

**MOTION:** James Rusch moved, seconded by Robert Hoskins, to reconvene into open session at 1:35 p.m. Motion carried unanimously.

## **VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION**

### **PENDING APPLICATIONS**

**MOTION:** James Rusch moved, seconded by Robert Hoskins, to approve all applications for registration as a land surveyor by written exam. Motion carried unanimously.

**MOTION:** James Rusch moved, seconded by Robert Hoskins, to deny the application for James Garner based on lack of experience. Mr. Garner will need one

more year of acceptable legal land surveying experience prior to registration as a land surveyor. Motion carried unanimously.

**APPLICATIONS REVIEWED ON FEBRUARY 18, 2004**

The Section took the following action on applications.

**FOR REGISTRATION AS A LAND SURVEYOR**

1. By Written Exam
  - a. Granted –
    1. Cance, Jason L
    2. Cozatt, Dane M
    3. Hayes, Maureen
    4. Nix Jr, William B
    5. Schramm, Scott M
    6. Sehloff, James R
  - b. Denied
    1. Gardner, James M

**MONITORING REPORT  
JOHN R. KARNS**

John R. Karns appeared before the Board with D. William Karns in regards to requesting D. William Karns as his direct supervisor for the Sections approval.

**MOTION:** James Rusch moved, seconded by Robert Hoskins, to deny D. William Karns as his direct supervisor and request that an independent licensed and capable land surveyor review and certify John R. Karns work. Mr. Karns shall submit the name of a direct supervisor to the Section in writing for approval. Motion carried unanimously.

**CASE CLOSINGS**

**03 LSR 002**

**MOTION:** James Rusch moved, seconded by Robert Hoskins, to close case **03 LSR 002** for no violation. James Rusch, case advisor. Motion carried unanimously.

**02 LSR 012**

**MOTION:** Robert Hoskins moved, seconded by James Rusch, to close case **02 LSR 012** for no violation. James Rusch, case advisor. Motion carried unanimously.

**02 LSR 010**

**MOTION:** James Rusch moved, seconded by Robert Hoskins, to close case **02 LSR 010** for prosecutorial discretion (P5). James Rusch, case advisor. Motion carried unanimously.

**ADMINISTRATIVE WARNING**

**TIMOTHY G. VREELAND 03 LSR 005**

**MOTION:** Robert Hoskins moved, seconded by James Rusch, to accept the administrative warning as written in the matter concerning Timothy G. Vreeland. Motion carried unanimously.

**STIPULATION  
PHILLIP G. EPPING**

**MOTION:** Robert Hoskins moved, seconded by James Rusch, to adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter concerning Phillip G. Epping. Case Advisor, Rick Van Goethem. Motion carried unanimously.

**PENDING APPLICATIONS**

**GEORGE BORNEMANN  
REVIEW OF TRANSCRIPT**

**MOTION:** James Rusch moved, seconded by Robert Hoskins, to request that George Bornemann obtain an additional 4 credits in the legal aspects of land surveying. The Section will accept the degree from Paul Smith's College of Arts and Sciences after Mr. Bornemann completes the 4 additional credits. Motion carried unanimously.

**GREG SCHAITEL  
REVIEW OF TRANSCRIPT AND EXPERIENCE**

**MOTION:** James Rusch moved, seconded by Robert Hoskins, that the Section reviewed Greg Schaitels transcript with his BS degree in Geography and they deemed it deficient. Mr. Schaitel needs an additional 12 credits in land surveying coursework in the legal area to fulfill the requirements to accept his BS degree. Once he obtains the additional 12 credits, Mr. Shaitel will be eligible to sit for the fundamentals of land surveying exam. Motion carried unanimously.



## REINSTATEMENT REQUESTS

None.

## EXAMINATION ISSUES

None.

## DISCUSS EXAMINATION QUESTIONS – DARWIN TICHENOR

No discussion.

## SUCH OTHER ITEMS AS AUTHORIZED BY LAW

None.

## ADJOURNMENT

**MOTION:** Robert Hoskins moved, seconded by James Rusch, to adjourn the meeting at 3:00 p.m. Motion carried unanimously.

**Next Meetings:**   **April 14, 2004 A-E Rules Committee**  
                              **April 15, 2004 A-E Joint Board Meeting**  
                              **August 25, 2004 Regular Meeting**

### **Agenda Items for August 25, 2004:**

- Course Sequence: Land Surveying Emphasis Coursework from NWTC (copy to Barb Showers)
- Define what a related field is A-E 6.04
- Approval of Scope statement to repeal AE 6.05(9)
- Review agreement between NWTC and UW Green Bay